

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION**

SIERRA CLUB,)
)
 Plaintiff,)
)
 v.) Civil Action No. 2:10-cv-00835-LA
)
 WISCONSIN POWER AND)
 LIGHT COMPANY,)
)
 Defendant.)

JOINT MOTION TO STAY PROCEEDINGS FOR THREE MONTHS

The parties jointly, by counsel, respectfully request that the Court stay these proceedings for three months while the parties engage in settlement negotiations. In support of this Motion, the parties state as follows:

1. On December 14, 2009, the United States Environmental Protection Agency (“EPA”) served Defendant, Wisconsin Power and Light Company (“WPL”) with a Notice and Finding of Violation of the Clean Air Act concerning certain activities undertaken at the Columbia, Nelson Dewey and Edgewater Generating Stations.

2. On October 10, December 14, and December 21, 2009, Plaintiff, Sierra Club, served WPL with Notices of Sierra Club’s Intent to Sue WPL for violations of the Clean Air Act concerning certain activities undertaken at the Columbia, Nelson Dewey and Edgewater Generating Stations.

3. On September 9, 2010, Plaintiff filed a Complaint in the Western District of Wisconsin (Cause No. 3:10-cv-00511-WMC) concerning activities allegedly undertaken by WPL at the Columbia and Nelson Dewey Generating Stations.

4. On September 23, 2010, Plaintiff filed its Complaint in the instant matter against WPL concerning certain activities allegedly undertaken at the Edgewater Generating Station.

5. On February 14, 2011, WPL filed its Answer and Motion to Dismiss Plaintiff's Complaint in the instant action.

6. Since January 2010, WPL and EPA have been engaged in detailed settlement discussions with the goal of resolving the alleged claims set forth in EPA's Notice of Violation. Indeed, in November 2010, WPL submitted its most recent Comprehensive Settlement Proposal to EPA. In November 2010, WPL and EPA representatives met to discuss potential settlement. It is expected that EPA's response to WPL's Settlement Proposal will be submitted shortly.

7. Sierra Club has recently agreed to join in these settlement negotiations, with the goal of resolving all potential claims against WPL by both EPA and Sierra Club, including the claims asserted in the instant litigation.

8. This is a highly complex and technical case. The parties wish to avoid spending significant time and resources on discovery, expert issues, additional dispositive motions, and other pre-trial matters that will turn out to be unnecessary if settlement is reached.

9. The parties to this case are not in complete control of potential settlement, or its timing, because EPA is not a party to this case, but is a likely critical party to any settlement.

10. Consequently, the parties jointly request that this Court stay all proceedings in this case for three months. The parties fully expect that within the next three months they will know whether this case likely will be settled.

11. The requested stay pending settlement negotiations may also conserve judicial resources, as the Court will not need to adjudicate WPL's pending Motion to Dismiss and other yet-to-be filed Motions if settlement is reached in the next three months.

12. Notably, the Federal District Court in the Western District of Wisconsin that is adjudicating the Plaintiff's claims against the Columbia and Nelson Dewey Generating Stations has recently entered a stay of all proceedings by three months, and adjusted all case management deadlines in that matter accordingly, including the trial date. [Dkt. 56].

WHEREFORE, the Parties jointly respectfully request that the Court stay all proceedings in this action for three months.

Respectfully submitted,

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